

REMARKS

Claim Amendments

The Office action objected to claim 1 because of an informality. Applicants have amended claim 1 to correct this informality. Claim 1 has also been amended for clarification and not in view of the prior art and/or for purposes related to patentability. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments herein are for purposes of clarifying the claims and/or for expediting allowance of the claims, and not for reasons related to patentability. Reconsideration is respectfully requested.

Specification Amendments

The Office action objected to an informality in each of two identified paragraphs in the Specification. Applicants have amended each identified paragraph to correct the informality in the manner requested in the Office action.

35 USC §103(a) Rejections

The Office action has rejected claims 1-14, and 16-30 under §103(a) as unpatentable over U.S. Patent No. 6,604,093 to Etzion et al (hereinafter "Etzion") in view of U.S. Patent No. 6,430,616 to Brinnand et al (hereinafter "Brinnand"). The Office action has also rejected claim 15 under §103(a) as unpatentable over Etzion in view of Brinnand as applied to claim 1, and further in view of U.S.

Patent No. 6,202,089 to Juster et al (hereinafter "Juster"). Applicants respectfully traverse these rejections.

By law, in order to establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In addition, "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Further, if prior art, in any material respect teaches away from the claimed invention, the art cannot be used to support an obviousness rejection. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed Cir. 1997). As discussed in greater detail below, the claims of the present invention are thus clearly patentable over the teachings of the cited and applied references as a matter of law.

Claim 1

Amended claim 1 recites a system for notifying clients of job-related events of an event source, comprising:

- a first trigger engine configured to register event requests, including a first event request from a first client and a second event request from a second client, and to concentrate the first and second event requests into a base event request;

- a second trigger engine configured to communicate with the first trigger engine for receiving a registration of the base event request at the second trigger engine, and further configured to receive notification of an event of the event source corresponding to the base event; and

- upon receipt of an event instance corresponding to the base event from the event source, the second trigger engine providing

data indicative of the event instance to the first trigger engine, the first trigger engine configured to determine whether the event instance corresponds to the first event request, and if so, to notify the first client of the event instance, and the first trigger engine configured to determine whether the event instance corresponds to the second event request, and if so, to notify the second client of the event instance.

Applicants respectfully submit that the Office action has failed to establish a prima facie case of obviousness because neither Etzion nor Brinnand, whether considered alone or in any permissible combination, teach or suggest all the claim limitations. In the following paragraphs, applicants cite examples of some of the subject matter recited in claim 1 that is not taught or suggested by Etzion and/or Brinnand.

The Office action contends that Etzion teaches a system for notifying clients of events of an event source (Col. 17, lines 15-20), comprising: a first trigger engine configured to register event requests (Fig. 2, step 40), including first and second event requests; upon receipt of an event instance (Col. 17, lines 15-20), the first trigger engine configured to determine whether the event instance corresponds to first event request, if so, to notify the first client of the event instance (Col. 17, lines 15-20), and the first trigger engine configured to determine whether the event instance corresponds to the second event request, and if so, to notify the second client of the event instance (Col. 17, lines 15-20). The Office action concedes that Etzion fails to disclose the limitation of a second trigger engine, wherein the second trigger engine registers multiple event requests that are grouped with similar requests into a base request, as recited in

claim 1. However, the Office action contends that Brinnand teaches organizing even[t] requests by groups and utilizing a log server to determine the user to notify when the request is completed (Col. 7, lines 5-15).

Notwithstanding these contentions, applicants submit that Etzion and Brinnand fail to teach or suggest the claim 1 limitations, including that the first event request is from a first client, that the event requests further include a second event request from a second client, that the first trigger engine is configured to register a second event request from a second client, and/or to concentrate the first and second event requests into a base event request. The Office action does not contend that Etzion or Brinnand teach or suggest this particular aspect of the claim (and in fact they do not), and thus fails to support the rejection of claim 1.

Applicants further submit that Etzion and Brinnand fail to teach or suggest that that a second trigger engine is configured to communicate with the first trigger engine for receiving a registration of the base event request at the second trigger engine, and is further configured to receive notification of an event of the event source corresponding to the base event. The Office action does not contend that Etzion or Brinnand teach or suggest such subject matter, (and in fact they do not), and therefore fails to support the rejection.

Still further, applicants submit that Etzion and Brinnand fail to teach or suggest that the event instance corresponds to the base event from the event source. The Office action does not contend that Etzion or Brinnand teach or

suggest such subject matter, (and in fact they do not), and therefore fails to support the rejection.

Moreover, applicants submit that Etzion and Brinnand fail to teach or suggest that upon receipt of an event instance corresponding to the base event from the event source, the second trigger engine provides data indicative of the event instance to the first trigger engine, as recited in claim 1. The Office action does not contend that Etzion or Brinnand teach or suggest this subject matter, (and in fact they do not), and therefore fails to support the rejection.

In sum, with respect to claim 1, the Office action has clearly failed to establish a prima facie case of obviousness because neither Etzion nor Brinnand teach or suggest all the claim limitations. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Applicants note that the Office action alleges that Brinnand teaches organizing event requests by groups and utilizing a log server to determine the user to notify when the request is completed (Col. 7, lines 5-15). However, even if this allegation is true to an extent, such an alleged teaching does not specifically include the limitations recited by applicants in claim 1 and not found in the other prior art of record.

Applicants respectfully point out that unlike the limitations of claim 1, Brinnand addresses a logging management information system for logging network events (Col. 1, lines 9-10) of a network (Col. 2, lines 24-25) into a repository 23 (Col. 5, lines 14-15) for helping to diagnose network malfunctions

(Col. 1, lines 46-50). The information logged includes information to assist in diagnosing causes of malfunctions in devices connected to the network and errors in connection with message packet transfer (Col. 3 lines 65 - Col. 4 line 15). The network events described in Brinnand are errors relating to message packet transfer among computers and other devices connected in the network, such as if congestion in message packet transfer exceeds a predetermined threshold for a selected period, if messages are lost, or if the bit error rate in connection with transfer of message packets to and/or from network locations exceeds a threshold (Col. 1, lines 45-60).

The Brinnand event requests (Col. 7, lines 5-15) refer to logging requests from a management information server to a log server thread (process) for the network events described to be stored by the system. Instead, the events recited in claim 1 are job-related events, not network malfunction events. Applicants have amended claim 1 to clarify that the events are job-related events.

Moreover, Brinnand does not describe a second trigger engine, and specifically the second trigger engine recited in claim 1 configured to communicate with a first trigger engine for receiving a registration of a base event request at the second trigger engine, and further configured to receive notification of an event of the event source corresponding to the base event; and/or the second trigger engine providing data indicative of the event instance to the first trigger engine upon receipt of an event instance corresponding to the base event from the event source.

For at least these additional reasons, applicants submit the claim 1 is patentable over the prior art of record. Reconsideration and withdrawal of the rejection of claim 1 is again respectfully requested.

As yet another significant legal reason, applicants respectfully submit that claim 1 is not obvious over Etzion in view of Brinnand because there is no suggestion or motivation to combine the teachings of Etzion with those of Brinnand, which is essentially non-analogous art. In order to modify a reference to reject claimed subject matter, there must be some teaching or suggestion outside of applicants' teachings to do so. Neither Etzion nor Brinnand have any such teachings or suggestions as to any such modification, let alone any teaching or suggestion as to how Etzion's system could be modified, or why it might be desirable to do so. In specific, Etzion is directed towards and describes a system programmed to react to specified situations stored in a database according to rules 28 by which a processor is programmed (Col. 7, line 59 to Col. 8, line 5). The system detects the situations by manipulating these rules based on a description of the situations 40, life-span parameters 42, and actions 44 (Col. 8, lines 7-19). On the other hand, Brinnand is directed towards and describes a logging management information system (Col. 1, lines 9-10) for storing collected network malfunction events (Col. 5, lines 14-15) for diagnosing network malfunctions (Col. 1, lines 46-50). There is no suggestion or motivation found in either Etzion or Brinnand (or elsewhere other than applicants' teachings) to combine the teachings of one with the other, and moreover there is no

motivation alleged to combine these teachings, which address clearly different problems. The Office action has failed to establish a prima facie case of obviousness because there is no suggestion or motivation in either Etzion, Brinnand, or in the knowledge generally available to one of ordinary skill in the art, to combine Etzion with Brinnand.

Applicants respectfully submit that claim 1 is patentable under §103(a) for at least the foregoing reasons and respectfully request that the §103(a) rejection of claim 1 be withdrawn, and claim 1 be allowed.

Claims 2-14 and 16-18

Applicants respectfully submit that claims 2-14, and 16-18 are each patentable over Etzion in view of Brinnand because Etzion and Brinnand do not teach or suggest all the limitations recited by claims 2-14, and 16-18. Dependent claims 2-14 and 16-18 are allowable by virtue of their dependency on base claim 1. Moreover, claims 2-14 and 16-18 are allowable by virtue of the additional limitations they contain.

As some examples, claim 3 recites that the first and second trigger engines are each a proxy of a switchbox component. The Office action does not contend that Etzion or Brinnand disclose or suggest these limitations, and in fact they do not. Claim 4 recites that the first and second trigger engines communicate over a network connection. Etzion and Brinnand do not describe or suggest the second trigger engine. Claim 5 recites that the first trigger engine

has a least one data structure associated therewith for determining which client event requests correspond to which base event requests. The section of Etzion cited against this claim actually describes mapping events to event types and event lifespans and situations, and not to base event requests as recited in claim 5. Claim 6 recites a relationship between the first and second trigger engines, while Etzion and/or Brinnand do not even describe or suggest the second trigger engine, let alone in the manner claimed. Claim 7 recites that at least one of the event requests corresponds to a job, however the Office action fails to point out where a job is allegedly described or suggested in Etzion; applicants respectfully submit that Etzion nowhere describes or suggests a job.

As further examples, claim 8 recites that the first trigger engine is associated with a job scheduler component. The Office action does not describe any component unit in Etzion to perform job scheduling, or describe that Etzion or Brinnand suggest such. Claim 9 recites that the second trigger engine is associated with a job dispatcher component. Etzion and Brinnand do not describe or suggest a second trigger engine, or a job dispatcher component. Claim 10 recites that the first trigger engine is associated with a job scheduler component that includes at least one data structure for maintaining information corresponding to event-triggered criteria for a pending job. The Office action contends that somewhere in Fig. 1 a job schedule includes a data structure, but fails to describe a component to perform job scheduling, and a job scheduler component that includes at least one data structure for maintaining information

corresponding to event-triggered criteria for a pending job. Claim 12 recites that the event-triggered criteria include a job event corresponding to the completion status of at least one other job. The Office action contends that Etzion describes complex events. However, Etzion does not describe or suggest completion of a job. Claim 16 recites that at least one of the trigger engines includes a recovery process. By way of alleging that Etzion describes this limitation, the Office action contends that it is inherent that time values are reset after each event is completed. In Etzion, after an event is completed, there is no reason to reset time values. In any case, the recited recovery process is for a trigger engine to resume normal operations, and not to reset event time values. In one implementation, the recovery process is implemented by the trigger engine rebuilding memory objects from its persisted tables which may merely include time value data. Claim 17 recites that at least one of the event requests corresponds to a job, and wherein the first trigger engine is hosted by a job scheduler component. Neither Etzion nor Brinnand describe or suggest an event request corresponding to a job, or a job scheduler component. The Office action cites no section of Etzion or Brinnand describing or suggesting these elements. Similarly Claim 18 recites an access checking mechanism. Neither Etzion nor Brinnand describe an access checking mechanism, and the Office action describes no section of Etzion or Brinnand describing or suggesting these elements.

Moreover, as described above with reference to claim 1, there is no suggestion or motivation to combine the teachings of Etzion with those of Brinnand, which is essentially non-analogous art.

For any of these additional foregoing reasons, applicants respectfully submit that the Office action has failed to establish a prima facie case of obviousness with respect to claims 2-14 and 16-18, and therefore submit that these claims are each patentable under §103(a). Applicants respectfully request that the §103(a) rejection of claims 2-14 and 16-18 be withdrawn, and claims 2-14 and 16-18 each be allowed.

Claim 15

Applicants respectfully submit that claim 15 is patentable over Etzion in view of Brinnand, and further in view of Juster. Claim 15 is dependent on base claim 1, which was shown to be patentable over Etzion and Brinnand, whether considered alone or in any permissible combination. Moreover, as previously discussed with reference to claim 1, there is no suggestion or motivation to combine Etzion and Brinnand.

Applicants also respectfully submit that Juster does not qualify as prior art under 35 USC §103(c). As set forth in the attached STATEMENT TO ESTABLISH COMMON OWNERSHIP, applicants submit that the current application and the patent of Juster were, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment to the

same entity. Pursuant to 35 U.S.C. § 103(c), applicants request that Juster be withdrawn as a reference for all § 103 rejections, including claim 15.

This application was filed on December 8, 2000. For applications filed on or after November 29, 1999, a 102(e) prior art reference may not be applied in an obviousness rejection under 35 U.S.C. § 103 if the patent and the pending application are commonly assigned or subject to an obligation of assignment at the time the claimed invention was made. For at least this additional reason, claim 15 is patentable over the prior art of record.

Claims 19-28

The Office action contends that claim 19 is directed to a method of using the system of claim 1, and that Etzion and Brinnand disclose the method in detail for the system. Applicants traverse, and submit that claim 19 should be examined on its own merits. Claim 19 recites a method for notifying clients of events, comprising receiving from a first client a first request corresponding to a first event on a remote server, the first request including information specific thereto; receiving from a second client a second request corresponding to a second event on the remote server, the second request including information specific thereto; maintaining information specific to each event request in association with each client; concentrating the first and second event requests into a base event request; registering the base event request at the remote server; receiving notification of the base event, the notification including event-

specific information about the base event; analyzing the event-specific information; notifying the first client if the event-specific information corresponds to the information specific to the first event request associated with the first client; and notifying the second client if the event-specific information corresponds to the information specific to the second event request associated with the second client.

Neither Etzion nor Brinnand teach or suggest all the claim limitations of claim 19. For example, as discussed above regarding claim 1, neither reference teaches concentrating the first and second event requests into a base event request; registering the base event request at the remote server; receiving notification of the base event, the notification including event-specific information about the base event; analyzing the event-specific information; notifying the first client if the event-specific information corresponds to the information specific to the first event request associated with the first client; and notifying the second client if the event-specific information corresponds to the information specific to the second event request associated with the second client. Moreover, as described with respect to claim 1, there is no suggestion or motivation to combine the teachings of Etzion with those of Brinnand.

Claim 19 additionally recites "receiving from a first client a first request ..." and "receiving from the second client a second request," wherein the receiving is on a remote server. Nowhere are these additional limitation disclosed in Etzion and/or Brinnand, as (impermissibly) combined by the Office action. Applicants

respectfully submit that the Office action has therefore failed to establish a prima facie case of obviousness, and claim 19 is therefore patentable under §103(a). Applicants respectfully request therefore that the §103(a) rejection of claim 19 be withdrawn, and claim 19 be allowed.

The Office action contends that claims 20-28 are directed to a method of using the system of claim 1, and that Etzion and Brinnand disclose the method in detail for the system. Applicants traverse. In addition to containing the patentable elements of claim 19 discussed above, dependent claims 20-28 are also separately patentable over Etzion in view of Brinnand for their recited additional limitations.

For instance, claim 20 additionally recites running a job in response to receiving a notification at the first client. Claim 21 additionally recites maintaining criteria for running a job and determining if a notification received by the first client satisfies the criteria, and if so, running the job. Claim 22 additionally recites that running the job includes providing job information to a job dispatcher. Claim 23 additionally recites that the job dispatcher causes the job to be run on an agent. Claim 24 additionally recites receiving at the first trigger engine event information corresponding to completion of the job. Claim 25 additionally recites running another job upon receipt of the event information corresponding to completion of the job. Claim 26 additionally recites that at least one of the trigger engines runs a recovery process. Claim 27 additionally recites that the recovery process comprises a series of operations. Claim 28 additionally recites

performing at least one access check. Applicants submit that Etzion or Brinnand do not describe or suggest any of these limitations, and in fact, Office action does not articulate where or how Etzion or Brinnand might teach or even suggest such limitations.

For at least the foregoing reasons, applicants respectfully submit that the Office action has failed to establish a prima facie case of obviousness with respect to each of claims 20-28, and therefore claims 20-28 are each patentable under §103(a). Applicants respectfully request that the §103(a) rejections of claims 20-28 be withdrawn, and claims 20-28 each be allowed.

Claims 29 and 30

The Office action contends that claims 29 and 30 are directed to a system similar to the system of claim 1, disclosed by Etzion and Brinnand. Applicants traverse, and submit that claim 29 should be examined on its own merits. Claim 29 recites a system for running jobs in a network, comprising a job scheduler component configured to request running of a job in response to at least one event; a job dispatcher component configured to control the running of the job; a switchbox configured to register event requests from the job scheduler component and to notify the job scheduler upon occurrence of each event corresponding to an event request therefrom, the switchbox further configured to register event requests from the job dispatcher component and to notify the job dispatcher upon occurrence of each event corresponding to an event request

therefrom; and the job scheduler being notified of an event, and requesting running of a job by triggering an event in the switchbox, the switchbox providing the event to the job dispatcher to cause execution of the job.

Neither Etzion nor Brinnand teach or suggest all the claim limitations of claim 29. For example, as discussed above regarding claim 1, neither reference teaches being notified of an event, and requesting running of a job by triggering an event in the switchbox. The Office action fails to point out where a job is allegedly described or suggested in Etzion; applicants respectfully submit that Etzion nowhere describes or suggests a job.

Claim 29 additionally recites limitations not disclosed by Etzion and/or Brinnand, nor alleged by the Office action to be described in Etzion or Brinnand. For example, such additional limitations include the recited job scheduler component, which is configured to request running of a job in response to at least one event, and further include the recited switchbox configured to register event requests from the job scheduler component, to notify the job scheduler upon occurrence of each event corresponding to an event request therefrom, to register event requests from the job dispatcher component, and to notify the job dispatcher upon occurrence of each event corresponding to an event request there from. Also, claim 29 includes the switchbox providing the event to the job dispatcher to cause execution of the job.

Moreover, there is no suggestion or motivation other than applicants' teachings to combine the teachings of Etzion with those of Brinnand. Applicants

respectfully submit that the Office action has failed to establish a prima facie case of obviousness with regard to the rejection of claim 29, and claim 29 is patentable under §103(a). Applicants respectfully request therefore that the §103(a) rejection of claim 29 be withdrawn, and claim 29 be allowed.

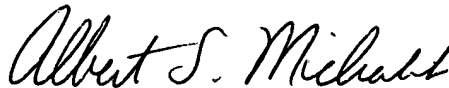
Dependent claim 30, in addition to containing the patentable limitations of claim 29 discussed above, is also separately patentable over Etzion in view of Brinnand for additional reasons. For instance, claim 30 additionally recites an access checking mechanism. The Office action does not describe where or how Etzion or Brinnand describe or suggest such subject matter, and applicants were unable to find it in Etzion and/or Brinnand. Applicants respectfully submit that the Office action has failed to establish a prima facie case of obviousness with regard to claim 30. Applicants respectfully request that the §103(a) rejection of claim 30 be withdrawn, and claim 30 be allowed.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 1-30 are patentable over the prior art of record, and that the application is otherwise in good and proper condition for allowance. Withdrawal of the rejections is respectfully requested.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the application, the Examiner is invited to call the undersigned attorney at 425-836-3030.

Respectfully submitted,

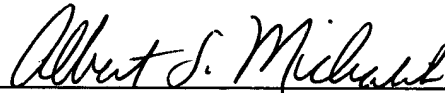


Albert S. Michalik, Registration No. 37,395
Attorney for Applicant
Law Offices of Albert S. Michalik, PLLC
704 - 228th Avenue NE
Sammamish, WA 98074
425-836-3030 (telephone)
425-836-8957 (facsimile)

STATEMENT TO ESTABLISH COMMON OWNERSHIP

(Regarding U.S. Patent No. 6,202,089)

Applicants, through the attorney of record, state that the present application and the above-identified reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to the same entity.



Albert S. Michalik, Registration No. 37,395
Attorney for Applicant
Law Offices of Albert S. Michalik, PLLC
704 - 228th Avenue NE
Sammamish, WA 98074
425-836-3030 (telephone)
425-836-8957 (facsimile)

CERTIFICATE OF MAILING

I hereby certify that this Amendment and Petition for Extension of Time, along with Transmittal are being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

Date: March 16, 2004


Albert S. Michalik

2210 Amendment